

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MARIO FRANCO,

Plaintiff,

v.

5:16-CV-634
(FJS/TWD)

POLICE OFFICER JOHN GUNSALUS, and
POLICE OFFICER SHAWN KELLEY,

Defendants,

VERDICT FORM

We, the jury, unanimously find as follows:

Liability

A. Defendant John Gunsalus

1. False Arrest

a. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant Gunsalus falsely arrested him on July 5, 2014?

X

Yes

No

2. Use of Excessive Force

a. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant Gunsalus, subjected him to the use of excessive force on July 5, 2014?

X

Yes

No

3. Malicious Prosecution

a. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant Gunsalus maliciously prosecuted him?

Yes

No

Please proceed to Section B addressing Defendant Shawn Kelley's liability.

B. Defendant Shawn Kelley

1. False Arrest

a. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant Kelley falsely arrested him on July 5, 2014?

Yes

No

2. Failure to Intervene

Only answer this question if you answered yes to question A(2)(a).

a. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant Kelley failed to intervene to stop Defendant Gunsalus from using excessive force against Plaintiff on July 5, 2014?

Yes

No

3. Malicious Prosecution

a. Do you find that Plaintiff has proven by a preponderance of the evidence that Defendant Kelley maliciously prosecuted him?

Yes

No

Please proceed to the Damages section on the next page.

Damages

A. Defendant John Gunsalus

Only answer this question if you answered yes to any of the above questions regarding Defendant Gunsalus' liability.

1. Compensatory damages

Do you find that Plaintiff has proven by a preponderance of the evidence that he suffered some actual compensatory damages that were proximately caused by Defendant Gunsalus' actions?

X _____
Yes _____ No _____

If your answer is yes, please state the amount of compensatory damages: \$ 5,000.

If your answer is no, please proceed to question A(2).

2. Nominal damages

If you answered no to the previous question, you must award Plaintiff nominal damages. Please state the amount of nominal damages (not in excess of \$1.00): N/A.

Please proceed to Section B addressing Plaintiff's damages for Defendant Shawn Kelley's actions.

B. Defendant Shawn Kelley

Only answer this question if you answered yes to any of the above questions regarding Defendant Kelley's liability.

1. Compensatory damages

Do you find that Plaintiff has proven by a preponderance of the evidence that he suffered some actual compensatory damages that were proximately caused by Defendant Kelley's actions?

Yes _____ X _____ No _____

If your answer is yes, please state the amount of compensatory damages: NIA.

If your answer is no, please proceed to question B(2).

2. Nominal damages

If you answered no to the previous question, you must award Plaintiff nominal damages. Please state the amount of nominal damages (not in excess of \$1.00): \$1.00.

End of the Verdict Form

SIGN AND DATE THE VERDICT SHEET AND NOTIFY THE MARSHAL THAT YOU HAVE REACHED A VERDICT.

Foreperson's signature: [REDACTED]

Date: JULY 20, 2021

10/45
7-90-9091
CPO 98 C. Anderson